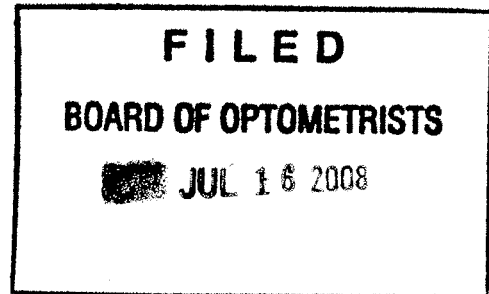


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF OPTOMETRISTS

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IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

ROGER A. YOUNG, O.D.  
License No.27OA00383700

Administrative Action

TO PRACTICE OPTOMETRY  
IN THE STATE OF NEW JERSEY

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CONSENT ORDER

This matter was opened to the New Jersey State Board of Optometrists (hereinafter "the Board") upon receipt of information about a medical malpractice action resulting in a settlement paid to a twenty-six (26) year old patient, R.F., who alleged that Dr. Young failed to diagnose intra cranial pressure and optic nerve damage leading to partial loss of vision. Dr. Roger Young (hereinafter "the Respondent") appeared before an investigative inquiry of the Board on November 21, 2007 accompanied by his attorney, James Schragger, Esquire. The Respondent confirmed that on February 10, 1999 he performed an eye examination on R. F.

In the ocular history portion of the examination record, the patient indicated that she experienced blacked out or faded vision, spots or floaters and that her vision was "blurry every now and then." The examination record also indicated that the patient was on birth control pills. Dr. Young testified that he did not find any evidence of corneal problems during the first examination but he noted a "mild blur on the nasal and blurred disc margin and mild disc elevation." Depth perception or stereopsis was seventy (70) seconds of arc. Respondent testified that the normal stereopsis for a patient is about 20 to 40 seconds of arc. When questioned as to whether it was his opinion that 70 seconds of arc was below the normal, respondent answered in the negative.

The color vision test demonstrated that R.F. missed six plates on the right and five plates on the left eye. Upon additional questioning, the Respondent stated that he did not suspect at the time that the patient had a color vision problem but that he "should have" recognized the problem. The Respondent testified that he recognized that where there is an optic nerve problem there is a possibility that a color vision problem exists. Respondent also testified that he did not perform a visual fields screening test on this patient at the first visit and he did not have an explanation as to why he had not done so.

Respondent billed using two codes for the first office visit. One code was for myopia and the second code was for pseudopapilledema. Respondent confirmed through his testimony that he suspected papilledema after the first examination and that is why he requested she return for a follow up within 2 months. The patient record corroborates that he asked the patient to return in two months for a follow up visit.

The follow up visit occurred on April 12, 1999. The respondent's patient notes for April 12 provided that he noticed "blurring around nerve head in both eyes." Respondent's testimony was that on the second visit he observed no changes and he did not believe that R.F.'s condition was progressive and he "just dismissed it because it looked the same."

The patient returned to his office for an unscheduled third visit on October 26, 1999. She was brought by her husband complaining that she had blackouts. It was at this time that Respondent observed a full-blown papilledema. Respondent had his staff contact Dr. Skinner, a neurologist, but they were not able to get an appointment with Dr. Skinner until November. He informed his staff to get the patient an earlier appointment but this never occurred as no return call was received from the physician's office. He did not refer the patient to an emergency room but testified that he was relieved when he learned that she went to Dr. Caruso who immediately referred the patient to a neurologist. The patient's record from Dr. Caruso demonstrates that on November 1, 1999 Dr. Caruso performed a visual field screening on the patient.

Having reviewed the entire record, including the patient records provided by Dr. Young, Dr. Caruso's patient records and documentation from the malpractice action including the deposition of Dr. Young and the expert report of Christine A. Chung, M.D., it appears to the Board that Dr. Young's actions in failing to conduct a visual field examination represents a gross deviation from the generally accepted standard of practice which damaged or endangered the health and welfare of R.F. The visual field screening is required of all patients pursuant to the Board's minimum examination regulation unless contraindicated in the professional judgment of the optometrist or by lack of the patient's

cooperation as provided in N.J.A.C. 13:38-2.1. Once respondent diagnosed the patient, his failure to properly manage the patient constituted gross negligence and gross malpractice.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45: 1-21(c) as they evidence that the respondent's actions constituted gross negligence and gross malpractice concerning the practice of examining the optic nerve and managing papilledema and a violation of the minimum examination regulation at N.J.A.C. 13:38-2.1(c) 10. It appearing that the respondent desires to resolve this matter without admissions and without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 16<sup>th</sup> DAY OF July, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall be formally reprimanded for his failure to perform a visual field screening of patient R.F.
2. Respondent shall cease and desist treatment of patients without performing a full minimum examination.
3. Respondent shall successfully complete a six (6) hour course of study in posterior segment diagnosis with emphasis on the optic nerve. This course shall be pre-approved by the Board before it is taken and Respondent shall bear the total cost of the course. The course shall be completed within six months of the entry date of this consent order. Further, this course, which is in addition to the regularly required continuing education hours, shall be approved by the Board in writing prior to attendance.


Respondent shall supply to the Board written confirmation from the course sponsor that the course was fully attended and successfully completed within 10 days of completion.

4. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22 and N.J.A.C. 13: 38-2.1(c) 10 in the amount of \$10,000 for his failure to perform a visual field screen and to properly manage a diagnosis of papilledema which constitutes gross negligence and gross malpractice. The total of \$10,000 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to the Board of Optometrists, Attention: Lisa Petrowski, Assistant to the Executive Director, at P.O. Box 45012, Newark, New Jersey, 07101, no later than twenty-one (21) days from the date of the entry of this Consent Order.

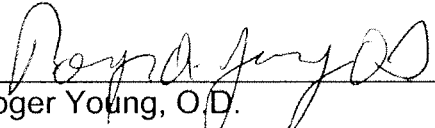
5. Respondent is hereby assessed costs of the investigation to the State in this matter in the amount of \$126.50. Payment for costs shall be submitted by certified check or money order made payable to the Board of Optometrists and submitted to the Board no later than twenty-one days from the date of the entry of this Consent Order. Payment shall be sent to the address described in paragraph #5.

6. Failure to remit any payment required by this Order shall result in the filing of a certificate of debt.


NEW JERSEY STATE BOARD OF  
OPTOMETRISTS

By:   
Leonard Steiner, O.D.  
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this order.

  
\_\_\_\_\_  
Roger Young, O.D.

Consent as to the form of the order is hereby given.

  
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James Schragger, Esquire